

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

In the Matter of

Advanced Television Systems  
and Their Impact Upon the  
Existing Television Broadcast  
Service

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MM Docket No. 87-268

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Commission

**QUALIFIED OPPOSITION OF  
LINCOLN BROADCASTING COMPANY  
TO SUPPLEMENTS TO PETITIONS FOR RECONSIDERATION OF  
THE FIFTH AND SIXTH REPORTS AND ORDERS**

Lincoln Broadcasting Company ("Lincoln"), the licensee of KTSF(TV), NTSC Channel 26, San Francisco, California, by its attorneys, and pursuant to the Commission's *Public Notice* Report No. 2222, released September 2, 1997, hereby submits its Qualified Opposition to certain of the supplements to petitions for reconsideration of the *Fifth Report and Order*<sup>1/</sup> and the *Sixth Report and Order*<sup>2/</sup> in the proceeding captioned above.

In a Petition for Clarification and Reconsideration of the Sixth Report and Order, filed on June 13, 1997 in this proceeding ("Petition"), Lincoln expressed serious concern about the

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<sup>1/</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, FCC 97-116, released April 21, 1997 (*Fifth Report and Order* in MM Docket No. 87-268) [hereinafter "*Fifth Report and Order*"].

<sup>2/</sup> *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, FCC 97-115, released April 21, 1997 (*Sixth Report and Order* in MM Docket No. 87-268) [hereinafter "*Sixth Report and Order*"].

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feasibility of the use of DTV Channel 27 -- the upper-adjacent channel to its present NTSC Channel -- during the transition. Lincoln sought clarification of the minimum power requirements for DTV operations during the transition. Lincoln's Petition also informed the Commission that, notwithstanding these concerns expressed at the outset, Lincoln intends to move forward with the DTV Channel 27 assignment so long as that channel proves to be feasible.

The petitions and supplements filed by various other parties to this proceeding indicate that the skepticism expressed by Lincoln about the feasibility of upper-adjacent channels for DTV transmissions during the transition is, in fact, shared.<sup>3/</sup> Some parties who share this concern have requested alternative DTV channels. However, because of the serious spectrum constraints in the San Francisco market, a suitable alternative DTV channel does not appear to be available for KTSF under the initial DTV Table; nothing in OET Bulletin 69 changed that situation. For this reason, Lincoln was not able to request an alternative DTV channel either in its Petition or in any supplement following the release of OET Bulletin 69. Accordingly, Lincoln urges the Commission to remain mindful of, and to address in an effective and

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<sup>3/</sup> See, e.g., Petition for Reconsideration, filed June 13, 1997, by Clear Channel Television Licenses, Inc., in MM Docket No. 87-268 (Station KSAS-TV, Wichita, Kansas, NTSC Channel 24, proposed DTV Channel 25); Petition for Reconsideration, filed June 12, 1997, by Fox Television Stations, Inc., in MM Docket No. 87-268 (Station WTTG(TV), Washington, D.C., NTSC Channel 5, proposed DTV Channel 6); Petition for Reconsideration, filed June 13, 1997, by Red River Broadcast Corp., in MM Docket No. 87-268 (Station KDLV(TV), Sioux Falls, South Dakota, NTSC Channel 46, proposed DTV Channel 47); see also supplements to petitions for reconsideration identified, *infra*, note 6.

equitable manner as specified herein, the serious constraints KTSF faces in making the transition from analog to digital with the use of an upper-adjacent DTV channel.

Lincoln was a signatory to the petition for reconsideration filed jointly by the Association for Maximum Service Television, Inc., and other parties, which noted for the record that a minimum DTV transmission power requirement might produce unacceptable interference to KTSF's NTSC service during the transition.<sup>4/</sup> The Supplement filed August 22, 1997 by Viacom, Inc. ("Viacom") urges the Commission to adopt a minimum power "floor" for UHF DTV stations of 250 kW.<sup>5/</sup> Lincoln has no objection to Viacom's proposal to the extent that it would ultimately apply to UHF DTV operations following the initial transition period from NTSC to DTV operations. But Lincoln has grave concerns about the impact of such a power floor on Lincoln's existing NTSC signal during the transition period. Accordingly, Lincoln opposes such a mandatory power floor during the transition period, and urges the Commission not to adopt one.

Under the adjacent channel pairing which the Commission has assigned to KTSF, UHF DTV operation at a uniform minimum transmission power of 250 kW has not been proven feasible. Moreover, because the NTSC signal is likely to be Lincoln's major revenue source during the extended transition period from NTSC to DTV operations, Viacom's proposal

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<sup>4/</sup> Petition for Clarification and Partial Reconsideration of the Fifth and Sixth Reports and Orders Submitted by the Association for Maximum Service Television, Inc., the Broadcasters Caucus and Other Broadcasters, filed June 13, 1997, in MM Docket No. 87-268 ("MSTV Petition").

<sup>5/</sup> See Supplement to Petition for Partial Reconsideration of the *Sixth Report and Order*, filed August 22, 1997, by Viacom, Inc., in MM Docket No. 87-268.

would likely create unacceptable and unwarranted economic dislocations for Lincoln as well, undermining or jeopardizing KTSF's unique service to the public. Since 1976, KTSF has been the leading provider of broadcast television programming, much of it locally produced, in the multiple Asian languages spoken by large and traditionally underserved segments of the television audience in the San Francisco Bay area, and well beyond it via cable retransmission.

The record before the Commission also suggests that Lincoln would not be alone in suffering the destructive effects of Viacom's proposal. At least five other licensees filed supplements which seek changes stemming from potential problems related to the assignment of a channel for DTV operations which is adjacent to their existing NTSC channel.<sup>6/</sup> Though several of these other licensees appear to have at least some possibility of relocating to another DTV channel,<sup>7/</sup> no such remedy is available to Lincoln. The highly congested nature of the San Francisco market appears to leave no suitable alternative channels available for assignment to KTSF.

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<sup>6/</sup> See Supplement to Dispatch Broadcast Group's Petition for Partial Reconsideration of the Sixth Report & Order, filed August 22, 1997, in MM Docket No. 87-268 (Station WBNS-TV, Columbus, Ohio); Supplement to Petition for Reconsideration, filed August 22, 1997, by the Educational Television Association of Metropolitan Cleveland, in MM Docket No. 87-268 (Station WVIZ(TV), Cleveland, Ohio); Supplement to Petition for Reconsideration, filed August 22, 1997, by Kentuckiana Broadcasting, Inc., in MM Docket No. 87-268 (Station WFTE(TV), Salem, Indiana); Supplement to Petition for Reconsideration, filed August 22, 1997, by McAlister Television Enterprises, Inc., in MM Docket No. 87-268 (Station KAMC(TV), Lubbock, Texas); Supplement to Petition for Reconsideration, filed August 22, 1997, by Red River Broadcast Corp., in MM Docket No. 87-268 (Station KDLV(TV)).

<sup>7/</sup> Dispatch Broadcast Group, licensee of Station WBNS-TV, Columbus, Ohio, is one such entity. It has requested a change in its DTV channel assignment conditioned upon the outcome of test operations on its presently assigned channel.

For the foregoing reasons, Lincoln urges the Commission not to adopt the power floor proposed by Viacom, at least until the transition period to full DTV operations has been completed. If a minimum power standard were nonetheless imposed, Lincoln renews the requests made in its Petition that the Commission expressly preserve flexibility for stations with adjacent channel DTV assignments to operate at power levels below the minimum where necessary to avoid interference to their own NTSC service during the transition. That, and the other points made in the KTSF Petition, take on a new urgency in light of the Viacom Supplement.<sup>8/</sup>

Merely exempting KTSF from an otherwise applicable DTV power "floor," however, is not a complete or equitable solution. Other UHF DTV stations in the San Francisco market should not receive automatic boosts in transmission power from the adoption of a "floor" without regard to the impact on KTSF's NTSC operations. Moreover, during the transition, or afterward if operations on Channel 27 prove infeasible, Lincoln should not be placed at a competitive disadvantage relative to other stations in its market that have received more favorable DTV channel assignments.<sup>9/</sup>

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<sup>8/</sup> For example, the 250 kw power floor proposed by Viacom is more than double KTSF's presently authorized power.

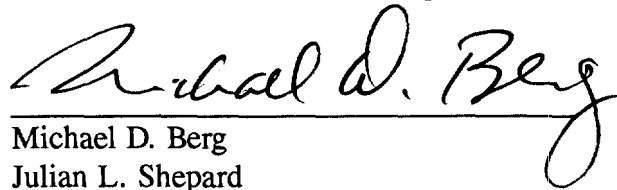
<sup>9/</sup> As Weigel Broadcasting Co. properly observed in its Petition for Reconsideration, "[t]he Commission has correctly recognized that DTV power levels must be set not only to achieve service replication, but also to ensure 'that all stations are able to provide DTV service competitively within their respective markets.'" Petition for Reconsideration, filed June 13, 1997, in MM Docket No. 87-268, by Weigel Broadcasting Co., at 3 (quoting *Sixth Report and Order* ¶ 30).

Accordingly, in addition to declining to impose a minimum power floor during the transition, the Commission should explicitly commit to revisiting and revising DTV channel assignments in the San Francisco area if necessary to afford KTSF an appropriate channel. As part of that revisiting and revision, KTSF should be afforded the opportunity to specify such a suitable alternative DTV channel, either as a result of changes made in the initial DTV table of allotments on reconsideration or for other reasons, or specifically to correct KTSF's channel assignment if it proves to be unworkable.

Respectfully submitted,

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September 23, 1997

## CERTIFICATE OF SERVICE

I, Karen L. McClain, a secretary for the law firm of Verner, Liipfert, Bernhard, McPherson, and Hand, Chartered, hereby certify that on this twenty-third (23rd) day of September, 1997, I caused a copy of the foregoing "Qualified Opposition of Lincoln Broadcasting Company to Supplements to Petitions for Reconsideration of the Fifth and Sixth Reports and Orders" to be sent via first-class United States Mail, postage prepaid, to each of the following:

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September 23, 1997

  
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